

Upper Tribunal – Immigration and Asylum Chamber

Guidance notes on completing a Judicial Review claim form

This form should not be used where your claim comprises or includes a challenge of a kind described in paragraph 3 of the Lord Chief Justice's direction dated 21 August 2013, as amended (attached herewith) or where your claim relates to a challenge to some other decision not within paragraph 1 of the direction. Please refer to the additional information section on page 2 of this document. Set out below are notes to help you complete the form. You should read the notes to each section carefully before you begin to complete that particular section.

Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to. If you do not have all the documents or information you need for your claim, you must not allow this to delay sending (by pre-paid post or by document exchange) or taking the form to the Upper Tribunal within the correct time at the following address:

Upper Tribunal Immigration and Asylum Chamber
Field House
15-25 Breams Building
London
EC4A 1DZ

DX: 309301 Strand 6

Complete the form as fully as possible and provide what documents you have. The notes to section 9 will explain more about what you have to do in these circumstances. **For information regarding filing with Welsh and regional offices of the Tribunal, see:** www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about

Time limit for filing a claim

- Unless Part 5 of the Senior President of Tribunals' Practice Directions entitled 'Immigration Judicial Review in the Immigration and Asylum Chamber of the Upper Tribunal' applies in relation to the deferral of removal, the claim must be filed **promptly and in any event no later than three months** after the date of the decision, action, or omission to which the application relates.

If the application challenges a decision at the First-tier Tribunal, it may be made later than the time required above, if it is made **within one month** after the date on which the Tribunal sent written reasons for its decision or notification that an 'in-time' application for the decision to be set aside had been unsuccessful.

Note: Part 5 of the Senior President of Tribunals' Practice Directions entitled 'Immigration Judicial Review in the Immigration and Asylum Chamber of the Upper Tribunal' is set out on the website (www.judiciary.gov.uk/publications/practice-statement-on-immigration-judicial-review-in-the-immigration-and-asylum-chamber-of-the-upper-tribunal). Should you need a hard copy of these Practice Directions, please contact the Upper Tribunal or your local Citizen's Advice.

If you need help to complete the form you should consult a solicitor or your local Citizen's Advice.

Section 1 of claim form

Details of the applicant and respondent

Give the full name(s) and address(es) to which all documents relating to the judicial review are to be sent. Include contact information e.g. telephone numbers and any other reference numbers.

Please note that if the respondent is the Secretary of State for the Home Department (Home Office), the relevant name and address for service is:

Home Office
Status Park 2
4 Nobel Drive
Harlington
Hayes
Middlesex UB3 5EY

Section 2

Details of other interested parties

Full details of interested parties must be included in the claim form; namely you should give details of any persons directly affected by the decision you wish to challenge.

Section 3

Details of the decision to be judicially reviewed

Give details of the decision you seek to have judicially reviewed. Give the name of the person or body whose decision you are seeking to judicially review, and the date on which the decision was made.

Section 4

Permission to bring Judicial Review proceedings

This section must be completed. You must answer all the questions and give further details where required.

Section 5

Detailed statement of grounds

Set out, in detail, the grounds on which you contend the decision should be set aside or varied.

Section 6

Details of remedy

Complete this section stating what remedy you are seeking:

- (a) a mandatory order;
- (b) a prohibiting order;
- (c) a quashing order; or
- (d) an injunction restraining a person from acting in any office in which he is not entitled to act.

A claim for damages may be included but only if you are seeking one of the orders set out above.

Section 7

Other applications

In this section you may wish to make additional applications to the Upper Tribunal in connection with your claim for Judicial Review, including any requests for an extension of time. Any other applications may be made in a separate application (form T484). This form can be obtained from the Upper Tribunal or from the justice website at http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=4403

Section 8

Statement of facts relied on

The facts on which you are basing your claim should be set out in this section of the form, or in a separate document attached to the form. It should contain a numbered list of the points that you intend to rely on at the hearing. Refer at each point to any documents you are filing in support of your claim.

Section 9

Supporting documents

If you have not been able to obtain any of the documents listed in this section within the time limits referred to on the previous page, complete the form as best you can and ensure the claim is filed on time. Set out the reasons why you have not been able to obtain any of the information or documents and give the date when you expect them to be available. **Do not delay filing your claim for Judicial Review.**

Additional information

Once you have lodged your application form with the Upper Tribunal, a copy of the application citing the case reference number and any accompanying documents

must be served on the respondent and any interested party and you must provide form T485 to the Upper Tribunal **within 9 days. Failure to do so will result in the proceedings being automatically struck out.** If that happens, you will need to make an application to the Upper Tribunal, accompanied by the requisite fee, in order to reinstate the proceedings within one month after the date on which the Upper Tribunal sent notification of the strike out.

If your claim comprises or includes a challenge of a kind described in paragraph 3 of Lord Chief Justice's direction, or is not within paragraph 1 of the direction, your claim should be filed on an Administrative Court Office claim form (N461) and sent to:

Administrative Court Office
Room C324
Royal Courts of Justice
Strand
London WC2A 2LL

Birmingham Civil Justice Centre
Priory Courts
5th Floor
33 Bull Street
Birmingham B4 6DS

Cardiff Civil Justice Centre
2 Park Street
Cardiff CF10 1ET

Leeds Combined Court
1 Oxford Row
Leeds LS1 3BG

Manchester Civil Justice Centre
1 Bridge Street West
Manchester M60 9DJ

For more information regarding filing with Welsh and regional offices of the Administrative Court, see www.justice.gov.uk/courts/rcj-rolls-building/administrative-court

If your claim challenges a decision of the First-tier Tribunal, then you must serve:

HM Courts & Tribunals Service
Communications and Customer Services Team
102 Petty France
London SW1H 9AJ